IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.6499 OF 2004

M/s.Globe Construction (Reg.) ..Petitioner.

Vs.

The Municipal Corporation of

Greater Mumbai ..Respondent.

....

Mr.J.P.Dubey for the Petitioner.

Ms. Nisha Dhabhade for the Respondent.

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CORAM : DR.D.Y.CHANDRACHUD, J.

16th March, 2006.

P.C. :

1. Rule, made returnable forthwith. Counsel appearing for the Respondent waives service. By consent the matter is taken up for hearing and final disposal.

2. There is a delay of 18 days in filing an appeal under Section 217 of the Mumbai Municipal

Corporation Act, 1888. The order that was appealed against was passed on 27th May, 2003 while the appeal was filed on 30th June, 2003. Time to file the appeal expired on 12th June, 2003. In support of the application for condonation, it was stated that the partner of the Petitioner who was looking after the matter and pursuing the same, was suffering from viral fever between 10 and 26th June, 2003. A medical certificate was produced. In my view, having regard to the position that sufficient cause has been shown for condoning the delay, the order of the Additional Chief Judge of the Small Causes Court dated 29th July, 2003 should be quashed and set aside. Interim Notice 417 of 2003 for the condonation of delay shall accordingly stand allowed. This shall be subject to the payment of costs quantified at Rs.2,500/- to the Municipal Corporation which shall be a condition precedent. Costs to be deposited in the Trial Court within a period of two weeks from today. Petition disposed of, in the aforesaid terms.